



City of Seattle

Edward B. Murray, Mayor

Department of Planning and Development

D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3013732

Applicant Name: Mark Haizlip

Address of Proposal: 2139 Harbor Ave SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a second story addition to an existing single family structure.

The following approvals are required:

Variance – to allow for a reduction in the side yard requirement for a portion of residential structure in a Single Family 7200 (SF7200) zone. Requested 0'-0" setback for the northern portion of the lot per SMC 23.44.014.C.

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

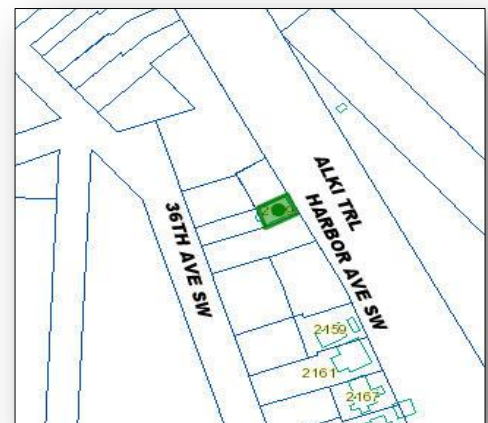
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity

The proposal site is located between Harbor Ave SW and the undeveloped portion (comprising the easternmost boundary of the Duwamish Head Greenbelt) of Lotus Ave Southwest. The 1,229 square foot (sf) site contains a 1,420 sf Single Family Residence located along the western edge of Harbor Ave SW. The lot size is approximately forty-eight (48) feet deep and approximately twenty-eight (28) feet wide.

The topography of the subject property is moderate to steeply sloped from east to west with an approximate



elevation change of ten (10) feet across the lot. The slope continues up to the adjacent Single Family 7200 zoned properties to the west forming a ridge that serves as a buffer between the lower commercially zoned area of the site and the adjacent Single Family 7200 zones to the west. This lower portion of the buffer, between the greenbelt and Harbor Ave SW extends from California Way SW to SW Andover St and forms a nearly contiguous area of Commercial and Industrial zoning along the western portion of Harbor Ave that continues through to Southwest Avalon Way.

The proposal site is zoned C1-40 (Commercial 1, with a maximum height of forty (40) feet), which continues south of the proposal site and includes several single family residences within the commercial boundary in the immediate area. East of the development site, on the opposing side of Harbor Ave SW, is the Alki Bike Trail adjacent to IG2-U/85 zoning, comprising the Greater Duwamish Manufacturing Industrial Area. The property located immediately to the west of the proposal lot is vacant and under ownership of the Seattle Parks and Recreation Department as a fragmented portion of the Duwamish Head Greenbelt. The lot immediately to the north is vacant and privately owned.

Proposed Project

The project proposes a second story addition/remodel to the existing Single Family Residence with attached garage. Access to the site would continue to be from Harbor Avenue SW (designated Minor Arterial).

Public Notice and Comment Period

The public comment period for this project ended on July 21, 2013. The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000¹.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The subject property is uniquely situated and constrained by conditions not created by the owner or applicant. The subject property is narrow at approximately 28' wide and shallow at approximately 48' deep. The strict application of the 5'-0" side yard (portion of north side) results in a setback that influences an addition/remodel to the existing structure.

The site is located within several environmentally critical overlays that have influenced the development pursued by the owner for the subject lot. The proposal is to remain within the structures existing footprint, thereby minimizing ground disturbance and associated costs. The area of requested variance remains within the existing footprint of the structure, thus allowing for maximized efficiency of the existing structure without the need to demolish and construct a new structure.

¹ <http://www.seattle.gov/dpd/toolsresources/default.htm>

In order to fix the pre-existing, non-owner created, non-conforming structure that was situated across the lot line of the neighboring lot to the north, LBA #3017147 was pursued. This situation solved the structure being on two different lots, but created another unique scenario where the lot now contains 5 SF of single-family zoned land. This results in the requirement of a 5'-0" side yard, from portions of the northern lot line wherein the existing non-conforming structure essentially maintains a 0'-0" side yard. This mitigated the need for the previously requested variances from SMC 23.47A.014.B.3.a and 014.E.

The subject property is uniquely situated and constrained by conditions not created by the owner or applicant.

2. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;

The requested variance asks that a reduction in the setback requirement be made to accommodate a second story addition to the existing residential structure. The existing structures non-conforming envelope will remain intact and developed upon vertically as proposed.

3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;

The location of the subject property and the lack of development remaining on the surrounding lots suggest that the proposed addition/remodel will have minimal impact on the land or other properties in the immediate vicinity. The proposed addition/remodel reduces a portion of the non-conforming structure and overall mass by removing the current roof and eaves and replacing them with a less obtrusive deck above the remodeled living space below. The scope of this proposal as presented with the applied variance request poses no threat to the public welfare or to the property itself or adjacent parcels.

4. The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;

As previously stated, the subject property is narrow at approximately 28' wide and shallow at approximately 48' deep. The strict application of the 5'-0" side yard (portion of north side) results in setbacks that prevent development of the property by not allowing the existing, non-conforming roofline to be leveled and turned into habitable square footage for the allowable third-story master addition. Thus, literal interpretation of the code imposed upon this property results in setbacks and side yards that would cause undue hardship and practical difficulties as the project, which is currently being utilized as a single-family residence.

The literal interpretation and strict application of the provision on development site would cause undue hardship or practical difficulty with the proposed addition/remodeling of the existing single family residential structure. All other development standards would be provided, thus creating a structure envisioned by the Land Use Code.

5. The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.

The Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, the spirit and intent of the Land Use regulations is to provide development compatible with environmental constraints, land development patterns, and existing neighborhood character.

The request for a variance is based on the unusual size of the lot and current siting of the structure on the site. This variance application seeks to allow an addition/remodeling of the single family residence constructed in 1920. While some existing non-conforming aspects will remain as they have for decades, portions of the structure will be altered to be more conforming with the Code.

Policies and implementation guidelines governing non-conforming uses per SMC 23.42.100.B, facilitates maintenance and enhancement of non-conforming uses and developments. *"It is the intent of these provisions to establish a framework for dealing with nonconformity that allows most nonconformities to continue. The Code facilitates the maintenance and enhancement of nonconforming uses and developments so they may exist as an asset to their neighborhoods. The redevelopment of nonconformities to be more conforming to current code standards is a long term goal."* Consequently, the proposed variance will be consistent with the spirit and purpose of the Land Use Code.

DECISION - VARIANCE

The variance for a reduced in setback for the residential structure is **APPROVED**.

CONDITIONS – VARIANCE

None.

Signature: _____ (signature on file) Date: December 22, 2014
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline

component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.